

REMARKS

The Office Action mailed December 31, 2003, has been reviewed and carefully considered. Claims 1 and 7 have been canceled and replaced by new claims 10 and 11. Claims 2-6 and 8-9 have been amended. No new matter has been added. Claims 2-6, 8-11 remain pending in this application, with claims 10 and 11 being the only independent claims. Reconsideration of the above-identified application, as amended, and in view of the following remarks is respectfully requested.

In the outstanding Office Action, the Examiner correctly considered the application as a Continuation in Part of serial Number 09/809,679. Such relationship had been pointed out in a paper entitled Appendix, when this present application was filed. However, with this amendment, Applicant has amended the specification to point to the relationship in the beginning of the specification, under "Related Application".

Concerning the Information Disclosure Statement, applicants believe that all requirements concerning the consideration of the references have been fulfilled.

Concerning the drawings, applicants enclose with this amendment an additional Fig. 2, which schematically demonstrates what had been disclosed previously disclosed and claimed in the present application. The Figure, by present amendment, was also described in the specification; however, no new matter was added. All disclosure was taken from either claims or specification, as filed.

Concerning the objections to the specification, Applicants have now amended the specification to add the suggested arrangement of the specification, including Subheadings.

Claim Rejection - 35 USC § 112

In the outstanding Office Action the Examiner rejected claims 1-9 as failing to comply with the enablement requirement. (35 USC § 112, first paragraph)

Applicants have amended the specification to provide a written description of the invention in such a manner that it enables any person skilled in the art to make and use the invention. No new matter was added. The claims, as currently amended, are now enabled by the specification and applicants request withdrawal of the rejection.

Concerning the rejection of claims 1-9 under 35 USC § 112, second paragraph, applicants submit that new and amended claims are now definite and they do distinctly claim the subject matter which applicants regard as their invention. Accordingly, applicants request withdrawal of the rejection.

Claim Rejection – 35 USC § 102

Further, the Examiner rejected claims 7 and 9 under 35 U.S.C. 102 (b) as being anticipated by Surbeck. Applicants respectfully submit that new claims 10 and 11, replacing the subject matter previously intended to be claimed in claims 7 and 9 (now canceled) are not anticipated by Surbeck. It is apparent from the disclosure in Surbeck that the disclosure refers to, what is considered a "closed gas cycle", whereas applicants disclose and claim an open gas cycle. Applicants have amended the claims to stress that the flow of gas is "open", continuous and that there is an inlet of gas as well as an outlet of gas. Accordingly, applicant provides at least one element in each independent claim that is not found in Surbeck's disclosure. Thus, applicants claimed invention differs from Surbeck. Consequently, applicants request that the examiner withdraws the rejection.

Claim Rejection – 35 USC § 103

Further, the Examiner rejected claims 1-3 and 6-9 under 35 USC 103 (a) as being unpatentable over Marcourt (US 4,225, 314) in view of Surbeck, and further, he rejected Claims 4 - 5 under 35 USC 103 (a) as being unpatentable over Marcourt and Surbeck, and in view of Matson. Applicants respectfully submit that the claims as provided by new claims 10 and 11 include more distinctly the present invention. Marcourt appears to be interested in preventing uncontrollable development of

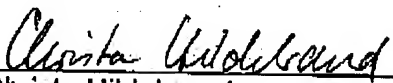
radioactivity in the gas caused by the follow-up nuclides of 222 -Rn and partially 214-Bi2. Accordingly, Marcourt does not disclose all the elements applicants claim in independent claims 10 and 11; in which generally radon gases dissolved in water, in a continuous flow of gas arrangement are claimed. As discussed above, the reference of Surbeck can not cure the deficiencies of Marcourt and, consequently, the combination of references does not disclose what applicants' claim in claims 7 and 9, as amended. Concerning the rejections of claims 4 and 5 in further view of Matson, it is submitted that Matson can not cure the deficiencies discussed in Macourt and Surbeck. Thus, concerning claims 4 and 5, applicants request withdrawal of the rejections and submit that claims 4 and 5 as amended, are patentable over the cited references.

Conclusion

Applicants submit that the application is in condition for allowance and passage to issuance is requested.

If any additional fees or charges are required at this time in connection with the application, authorization is hereby given to charge our Patent and Trademark Office Deposit Account No. 14-1263.

Respectfully submitted,


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